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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,728	08/23/2007	Wilhelm Baruschke	016906-0526	7205
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FOLEY AND LARDNER LLP			TOWNS, BRITTANY E	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,728	Applicant(s) BARUSCHKE ET AL.	
	Examiner BRITTANY TOWNS	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:(7/12/2006),(12/12/2006),(5/29/2007),(4/2/2010).

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-8, 10-12, 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichishi et al (U.S. Patent No. 6,347,987).

Regarding Claim 1, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side air conditioning zone and a left seat side air conditioning zone. The right seat side air conditioning zone comprises a mixing door (15) for controlling the temperature of air distributed towards the right seat side, a defroster air outlet (20), a right center air outlet (21), a right side face outlet (22) and a right foot air outlet (23). The left seat side air conditioning zone comprising a mixing door (16) for controlling the temperature of air distributed towards the left seat side, a left center face air outlet (31), a left side face air outlet (32), and a left foot air outlet (33). The right and left center face air outlet are covered by a center grill and the right and left side face air

outlets are covered by a side grill. The right and left face center air outlets and the right and left face side air outlets each have an air-blowing state changing unit. The air blowing state changing unit comprises a right-left swing louver mechanism and an up-down swing louver mechanism. Each the right-left swing louver mechanism and the up-down swing louver mechanism includes an air direction changing louvers, a link lever and a motor. The electronic control unit is provided with a sensor group. The sensor group includes an inside air temperature sensor, an outside air temperature sensor, a sunlight sensor, right and left blown air temperature sensors. The signal from the sensors are inputted into the control unit and the target air temperatures of the right-seat side and the left-side seat are calculated based on the signals received by the sensors. The temperature is calculated using the signals of the sensors to determine the mixing ratio of the mixing door to supply the calculated temperature. The louver swing mechanism can control the air distribution of the right and the left air conditioning zone independently.

Regarding Claim 2, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based

on the signals received from the sensors inputted into the air conditioning electronic control unit. The right-left louver swing mechanism of an air blowing changing unit can be automatically adjusted to a spot air outlet mode or a wide air outlet mode; Ishishi et al: col. 19; Figures 23 and 24.

Regarding Claim 3, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit.

Regarding Claim 4, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. The air flow volume can be adjusted by the air-blowing control unit, Ichishi et al: Figure 17, col. 31.

Regarding Claim 5, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. The air flow speed can be adjusted by the air-blowing control unit, Ichishi et al: Figure 17, col. 31.

Regarding Claim 6, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. The air outlet is in communication with the mixing door which mix a certain amount of cold air with a certain amount of hot air depending on the temperature parameter detected by the air outlet, col. 10, line 48-col. 11, line 15.

Regarding Claim 7, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side

air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. An air temperature sensor is used to determine the inside temperature of the vehicle can adjust the louvers of the air outlet, col. 9, lines 9-31.

Regarding Claim 8, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. The humidity of an air flow is adjusted by the air-blowing control unit, col. 31, lines 24-39.

Regarding Claim 10, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based

on the signals received from the sensors inputted into the air conditioning electronic control unit. The air-blowing unit is adjusted based on the skin temperature of an occupant, col. 9, lines 9-31.

Regarding Claim 11, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. The air blowing changing units can operate based on the seat position, a seat shape and passenger state, col. 13, line 66—col. 14, line 9.

Regarding Claim 12, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. A sunlight sensor can be used to detect the amount of sunlight entering the passenger compartment of the vehicle, col. 9, lines 9-31.

Regarding Claim 14, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. The humidity of an air flow is adjusted by the air-blowing control unit, col. 31, lines 24-39.

Regarding Claim 15, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. A right and left-blown air temperature sensors detects the right seat side and left seat side air conditioning zones, col. 9, lines 8-31.

Regarding Claim 16, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each

other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. The passenger can manual adjust the vent, however, the air-blowing changing state can take over or override, the manual input to control the air outlet, col. 7, lines 10-59.

Regarding Claim 17, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit to control a right-seat side air conditioning zone and a left seat side air conditioning zone. The right seat side air conditioning zone comprises a mixing door (15) for controlling the temperature of air distributed towards the right seat side, a defroster air outlet (20), a right center air outlet (21), a right side face outlet (22) and a right foot air outlet (23). The left seat side air conditioning zone comprising a mixing door (16) for controlling the temperature of air distributed towards the left seat side, a left center face air outlet (31), a left side face air outlet (32), and a left foot air outlet (33). The right and left center face air outlet are covered by a center grill and the right and left side face air outlets are covered by a side grill. The right and left face center air outlets and the right and left face side air outlets each have an air-blowing state changing unit. The air blowing state changing unit comprises a right-left swing louver mechanism and an

up-down swing louver mechanism. Each the right-left swing louver mechanism and the up-down swing louver mechanism includes an air direction changing louvers, a link lever and a motor. The electronic control unit is provided with a sensor group. The sensor group includes an inside air temperature sensor, an outside air temperature sensor, a sunlight sensor, right and left blown air temperature sensors. The signal from the sensors are inputted into the control unit and the target air temperatures of the right-seat side and the left-side seat are calculated based on the signals received by the sensors. The temperature is calculated using the signals of the sensors to determine the mixing ratio of the mixing door to supply the calculated temperature. The louver swing mechanism can control the air distribution of the right and the left air conditioning zone independently.

Regarding Claim 18, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. The electronic control unit includes a control program which encompasses a control method for the air conditioning, col. 9, lines 32-45.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi et al (U.S. Patent No. 6,347,987) in view of Nishino et al (U.S. Patent No. 5,297,988).

Regarding Claim 9, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. However, the air outlets of Ichishi et al do not add a fragrance to the air entering the passenger compartment of the vehicle.

Nishino et al discloses a fragrance supplying apparatus in communication with an air conditioner of a vehicle. The fragrance is emitted by the air outlet of the air conditioner, col. 5, lines 17-30. Hence, it would have been obvious to one of ordinary

skill in the art at the time of the invention to have modified the air outlets of Ichishi et al with the air outlet of a fragrance supplying apparatus in communication with an air conditioner of Nishino et al to control an air outlet with dispensing a fragrance.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi et al (U.S. Patent No. 6,347,987) in view of O'Connor et al (U.S. Patent No. 6,693,273).

Regarding Claim 13, Ichishi et al discloses a vehicular air conditioner comprising an air conditioning electronic control unit (50) to control a right-seat side air conditioning zone and a left seat side air conditioning zone independently for each other where the right and left side air conditioning zone each comprise a center face and side face air outlets that are controlled by the air-blowing changing units based on the signals received from the sensors inputted into the air conditioning electronic control unit. However, the sensor group connected to the air conditioning electric control unit of Ichishi et al does not disclose a sensor that detects the status of the windows of a vehicle.

O'Connor et al does discloses a controller which can control a temperature control system which can activate a window of a vehicle depending on the output of cold air, O'Connor et al: col. 10, lines 38-48. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the sensor group connected to the air conditioning electric control unit of Ichishi et al

with the controller of the temperature control system of O'Connor et al to have determine the positioning of the window to control the air outlet of the air conditioning system.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRITTANY TOWNS whose telephone number is (571)270-1181. The examiner can normally be reached on Monday-Friday 7:30-5:00, 1st Friday in biweek off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. T./
Examiner, Art Unit 3749

/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749